



Sen. Patrick J. Joyce

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10200HB3416sam002

LRB102 17016 CMG 29834 a

1 AMENDMENT TO HOUSE BILL 3416

2 AMENDMENT NO. _____. Amend House Bill 3416, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Industrial Hemp Act is amended by changing
6 Sections 5, 10, and 15 as follows:

7 (505 ILCS 89/5)

8 Sec. 5. Definitions. In this Act:

9 "Department" means the Department of Agriculture.

10 "Director" means the Director of Agriculture.

11 "Hemp" or "industrial ~~Industrial~~ hemp" means the plant
12 Cannabis sativa L. and any part of that plant, whether growing
13 or not, with a delta-9 tetrahydrocannabinol concentration of
14 not more than 0.3 percent on a dry weight basis ~~that has been~~
15 ~~cultivated under a license issued under this Act or is~~
16 ~~otherwise lawfully present in this State,~~ and includes any

1 intermediate or finished product made or derived from
2 industrial hemp.

3 "Hemp production plan" means a plan submitted by the
4 Department to the Secretary of the United States Department of
5 Agriculture pursuant to the federal Agriculture Improvement
6 Act of 2018, Public Law 115-334, and consistent with the
7 Domestic Hemp Production Program pursuant to 7 CFR Part 990
8 wherein the Department establishes its desire to have primary
9 regulatory authority over the production of hemp.

10 "Land area" means a farm as defined in Section 1-60 of the
11 Property Tax Code in this State or land or facilities under the
12 control of an institution of higher education.

13 "Person" means any individual, partnership, firm,
14 corporation, company, society, association, the State or any
15 department, agency, or subdivision thereof, or any other
16 entity.

17 "Process" means the conversion of raw industrial hemp
18 plant material into a form that is presently legal to import
19 from outside the United States under federal law.

20 "THC" means delta-9 tetrahydrocannabinol.

21 (Source: P.A. 100-1091, eff. 8-26-18.)

22 (505 ILCS 89/10)

23 Sec. 10. Licenses and registration.

24 (a) ~~No Under Section 5940 of Title 7 of the United States~~
25 ~~Code, no~~ person shall cultivate industrial hemp in this State

1 without a license issued by the Department.

2 (b) The application for a license shall include:

3 (1) the name and address of the applicant;

4 (2) the legal description of the land area, including
5 Global Positioning System coordinates, to be used to
6 cultivate industrial hemp; and

7 (3) if federal law requires a research purpose for the
8 cultivation of industrial hemp, a description of one or
9 more research purposes planned for the cultivation of
10 industrial hemp which may include the study of the growth,
11 cultivation, or marketing of industrial hemp; however, the
12 research purpose requirement shall not be construed to
13 limit the commercial sale of industrial hemp.

14 (b-5) A person shall not process industrial hemp in this
15 State without registering with the Department on a form
16 prescribed by the Department.

17 (c) The Department may determine, by rule, the duration of
18 a license or registration; application, registration, and
19 license fees; and the requirements for license or registration
20 renewal.

21 (Source: P.A. 100-1091, eff. 8-26-18.)

22 (505 ILCS 89/15)

23 Sec. 15. Rules.

24 (a) The Department shall submit to the Secretary of the
25 United States Department of Agriculture a hemp production plan

1 under which the Department monitors and regulates the
2 production of industrial hemp in this State. The Department
3 shall adopt rules incorporating the hemp production plan,
4 including application and licensing requirements ~~shall be~~
5 ~~determined by the Department and set by rule within 120 days of~~
6 ~~the effective date of this Act.~~

7 (b) The rules set by the Department shall include one
8 yearly inspection of a licensed industrial hemp cultivation
9 operation and allow for additional unannounced inspections of
10 a licensed industrial hemp cultivation operation at the
11 Department's discretion.

12 (c) The Department shall adopt rules necessary for the
13 administration and enforcement of this Act in accordance with
14 all applicable State and federal laws and regulations,
15 including rules concerning standards and criteria for
16 licensure and registration, for the payment of applicable
17 fees, signage, and for forms required for the administration
18 of this Act.

19 (d) The Department shall adopt rules for the testing of
20 the industrial hemp THC levels and the disposal of plant
21 matter exceeding lawful THC levels, including an option for a
22 cultivator to retest for a minor violation, with the retest
23 threshold determined by the Department and set in rule. Those
24 rules may provide for the use of seed certified to meet the THC
25 levels mandated by this Act as an alternative to testing.

26 (Source: P.A. 100-1091, eff. 8-26-18.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".